

REMARKS

Claims 1-16 are pending. Claims 2-15 have been withdrawn from consideration. By this response, claims 1, 3, 11 and 16 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Restriction/Election of Species

The Office Action alleges that claim 1 is not generic to dependent claims 3 and 11. To be generic, a claim "should require no material element additional to those required by the species claimed and each of the species claims must require all of the limitations of the generic claim." MPEP 806.04(d). Claim 3 recites a second signal attenuator as illustrated in FIG. 5. Applicants respectfully submit that FIG. 5 necessarily requires all limitations of claim 1, whereas claim 1 does not require the limitations of claim 3. Thus, claim 1 is generic to claim 3. The same understanding applies to claim 11. Claim 11 is directly dependent from claim 1. Claim 11 recites features that require the limitations of claim 1. In fact, claim 11 refers to the control device in claim 1 further describing its features. Without the control device of claim 1, claim 11 has no reference. Thus, Applicants respectfully submit that claim 1 is generic to claims 3 and 11. Therefore, the inclusion of claims 3 and 11 in the examination of the present application is respectfully requested.

112, Second Paragraph

The Office Action rejects claim 16 under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Office Action refers to antecedent basis issues and vague language in the claim. In response, Applicants have amended claim 16 to address these issues. Accordingly, withdrawal of the rejection is respectfully requested.

Prior Art Rejection

The Office Action rejects claims 1 and 16 under 35 U.S.C. § 102(e) as being anticipated by Nicholson et al., (USP 6,330,337). This rejection is respectfully traversed.

Nicholson teaches a multimedia entertainment system integrated into a vehicle. The system includes a main control unit mounted in the front seat area of the vehicle and a rear console mounted in the rear seat section of the vehicle. The system also includes front speakers, rear speakers and headphones that can be used by the passengers in the rear seats. In Nicholson's system, different multimedia can be played for the passengers in the front seat and the passengers in the back seat. If the passengers in the rear seat wish to view or hear different media from that which the front seat drivers have selected using the main controls, the rear seat passengers can use the rear console to perform a mode change. A mode change button 26 is located on the rear console and causes the sound in the rear speakers or rear headphones to be muted while the multimedia change occurs. Once the multimedia changes occurred for the rear passengers, the sound is again activated in the rear speakers or rear headphones. See column 4, line 66 through column 5, line 27.

In embodiments of the present invention, an audiovisual system is provided in a vehicle in which the system includes a front seat control and a rear seat control. Front and rear speakers are provided as well as headphones. The passengers in the rear seat can view or listen to different media than those in the front seat by using the rear speakers or the rear headphones. If the driver wishes to notify the rear passengers that he desires to obtain their attention, the driver in the front seat can use the front seat controls to attenuate or lower the volume in the rear seat speakers or headphones in order to obtain the rear seat passenger's attention.

The Office Action alleges that changing modes by using the mode change button 26 and the rear console of Nicholson teaches the claimed attenuating of the headphones or rear speakers. Applicants respectfully submit that Nicholson teaches that controlling the muting only occurs at the rear seat console by use of the mode change button 26 by the rear passengers. Nowhere does Nicholson teach that attenuation of the input signal to headphones in the rear seat can be controlled by the main control unit in the front seat (in the neighborhood of the driver) and thus by the driver.

Therefore, Nicholson fails to teach, *inter alia*, an operating device mounted in a neighborhood of a driver for performing a predetermined operation by the driver, a control

device for outputting a first control signal based on what sort of operation is performed by said operating device and a first signal attenuator for attenuating an input signal to said headphone in response to said first control device, as recited in claim 1.

Thus, in view of the above, Applicants respectfully submit that Nicholson fails to teach each and every feature of independent claim 1 as required. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

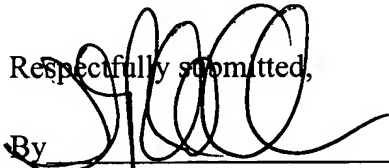
CONCLUSION

For at least these reasons, it is respectfully submitted that claims 1, 3, 11 and 16 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner has any questions concerning this application, the Examiner is requested to contact Chad J. Billings, Reg. No. 48,917 at the telephone number of (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,


By
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road Suite 100 East
P.O. Box 747 Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant